



Approving Bodies Discussion

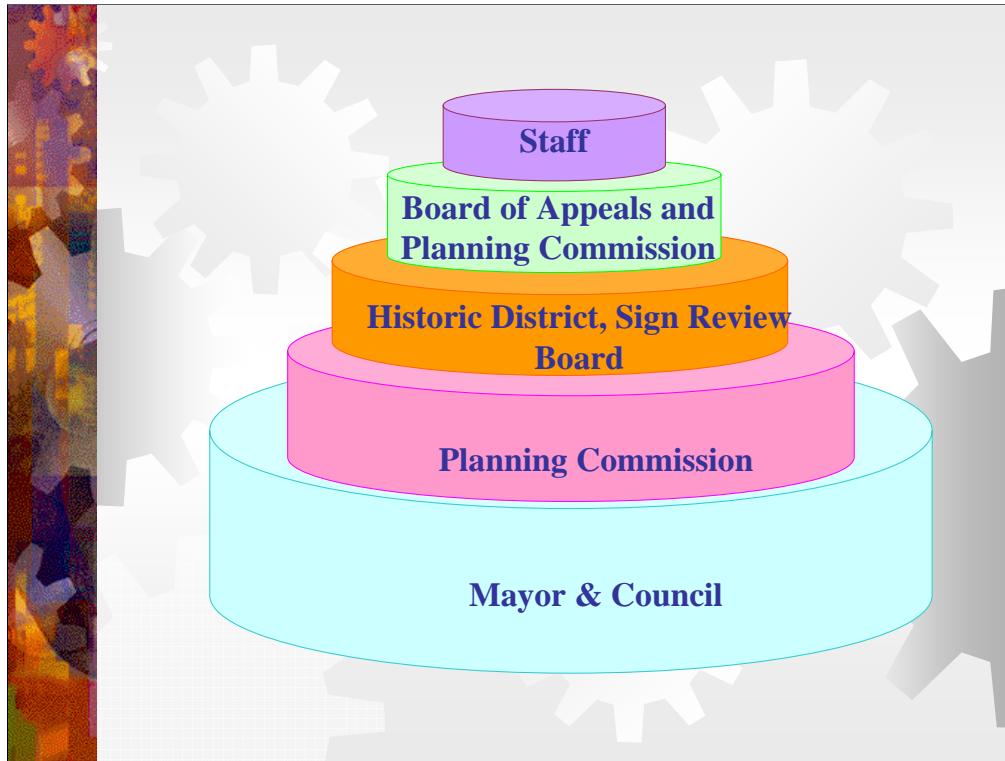
Mayor and Council
January 26, 2006

Approving Bodies

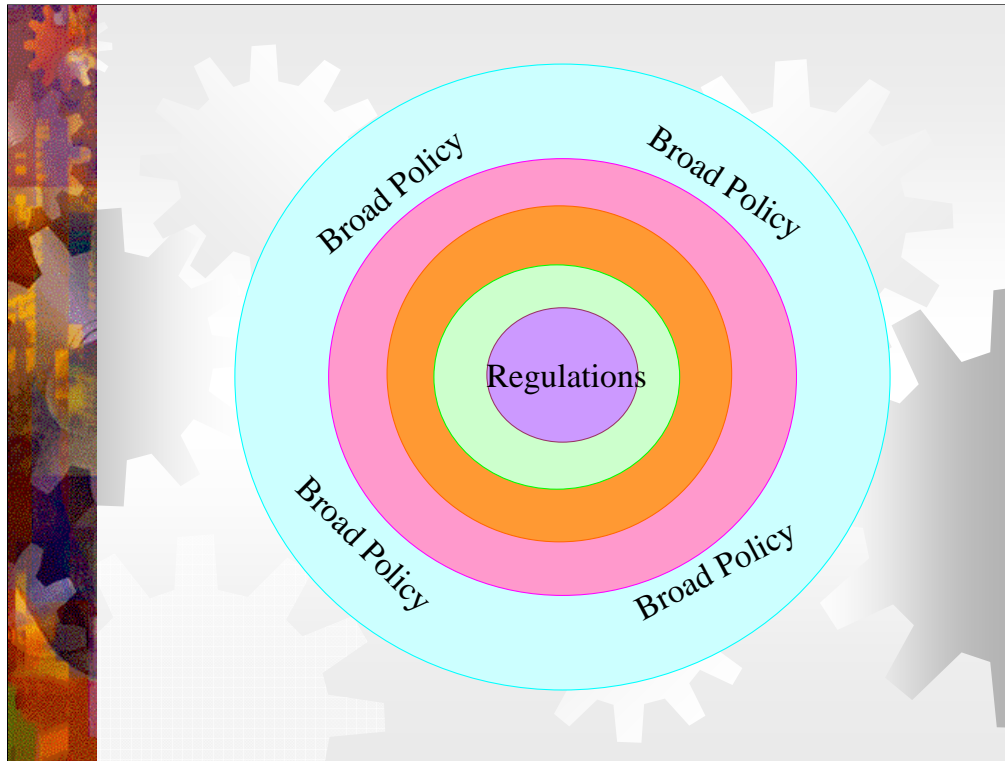
- Mayor and Council
- Planning Commission
- Board of Appeals
- Historic District Commission
- Sign Review Board
- Staff



Tonight staff would like the Mayor and Council's concurrence to maintain the current board requirements and review authority with few modifications proposed for the zoning revision (explained later). In general, staff is of the opinion that the policies and procedures of the City's boards are working fine in relation to planning and zoning issues. The revision is an opportunity to clarify a few points and make some small changes. Those minor recommended changes are:

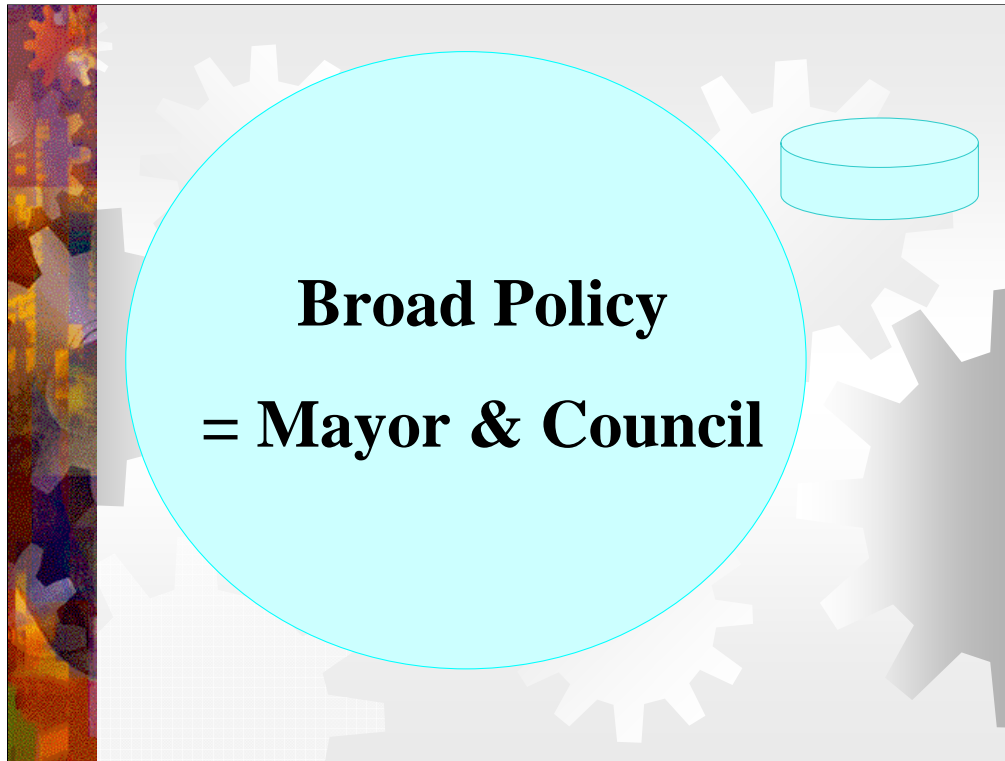


Approving bodies are a hierarchy of decision making authority – from broad decisions to very technical decisions. The Issue Paper and Agenda used the upside down triangle. This is a 3D version of that image – which now looks like a wedding cake.



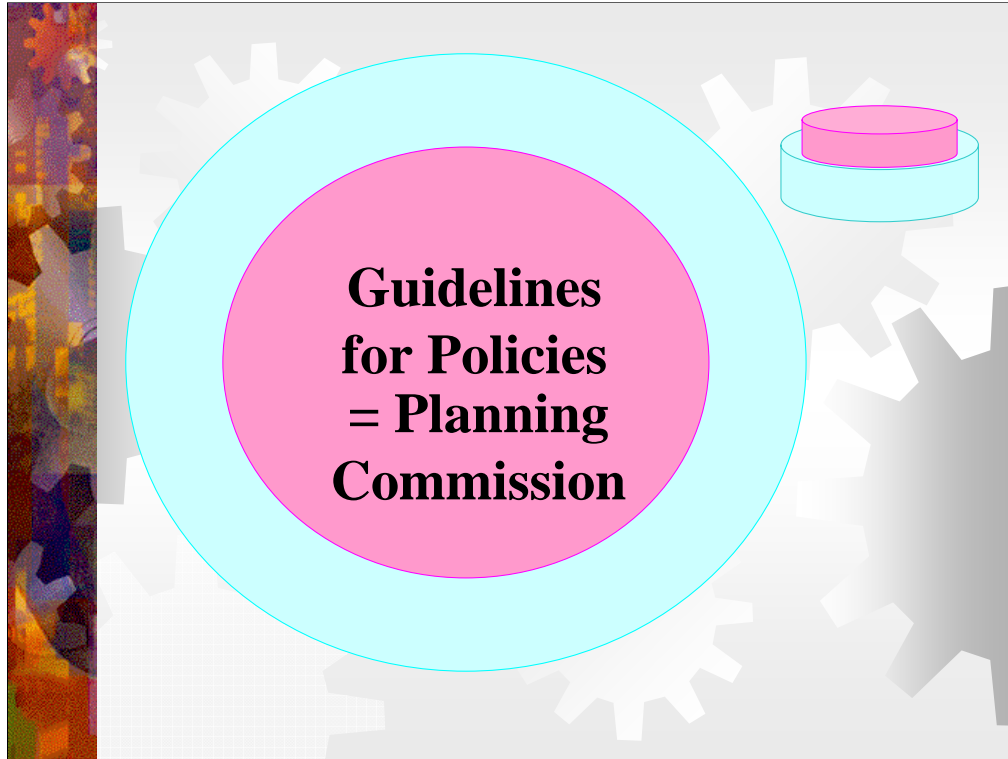
If we looked at the wedding cake from an aerial view, it would look like this. It represents how the Approving Bodies System applies to Land Use decision making.

The idea here is that the outermost ring, broad policy houses and influences the more specific and technical regulations. Meaning that the specific regulations are products of the broad policy decisions. It's a complicated issue and it's especially hard when certain bodies have more than one role. I'm going to boil it down as much as possible and we'll take it step by step. And I'll include an example to help explain it more.

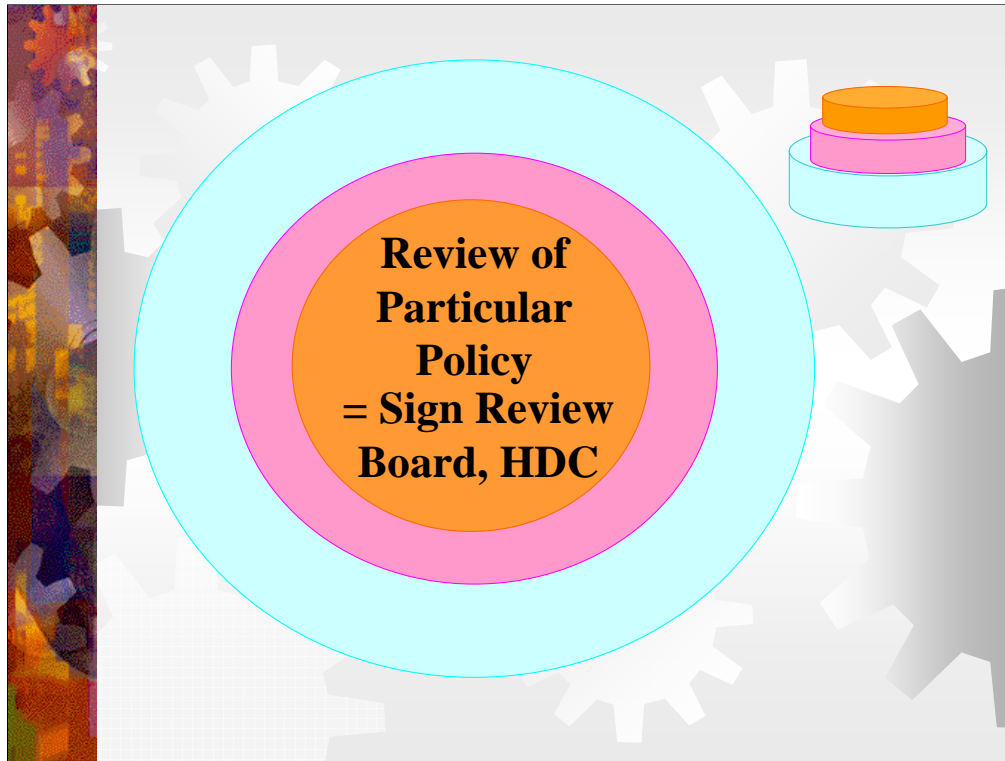


Lets start at the base and work our way up or in as the view may be. Broad policies are established by the Mayor and Council. All decisions at any of the other levels must support these broad policies. Only the Mayor and Council can create them because they affect the city as a whole, rather than to specific areas.

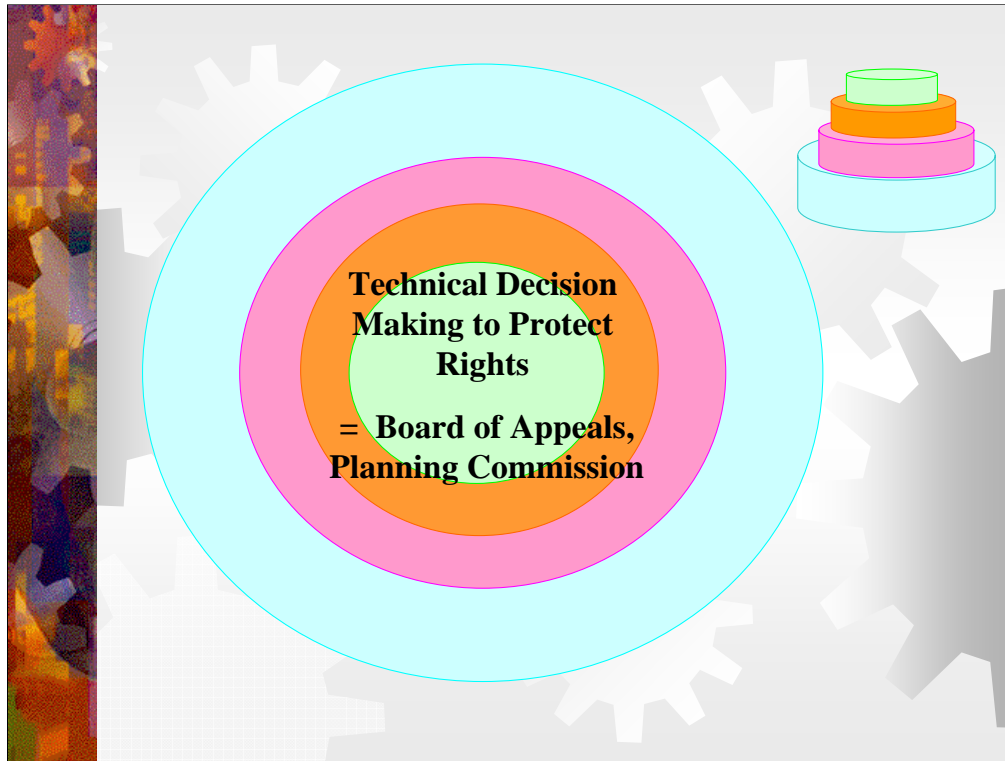
For example, say mayor and council decided in the zoning revision that they would like to see more mixed use districts in the City. This is a broad policy objective that will affect the entire city – as to where things are located, what types of neighborhoods will be created, etc.



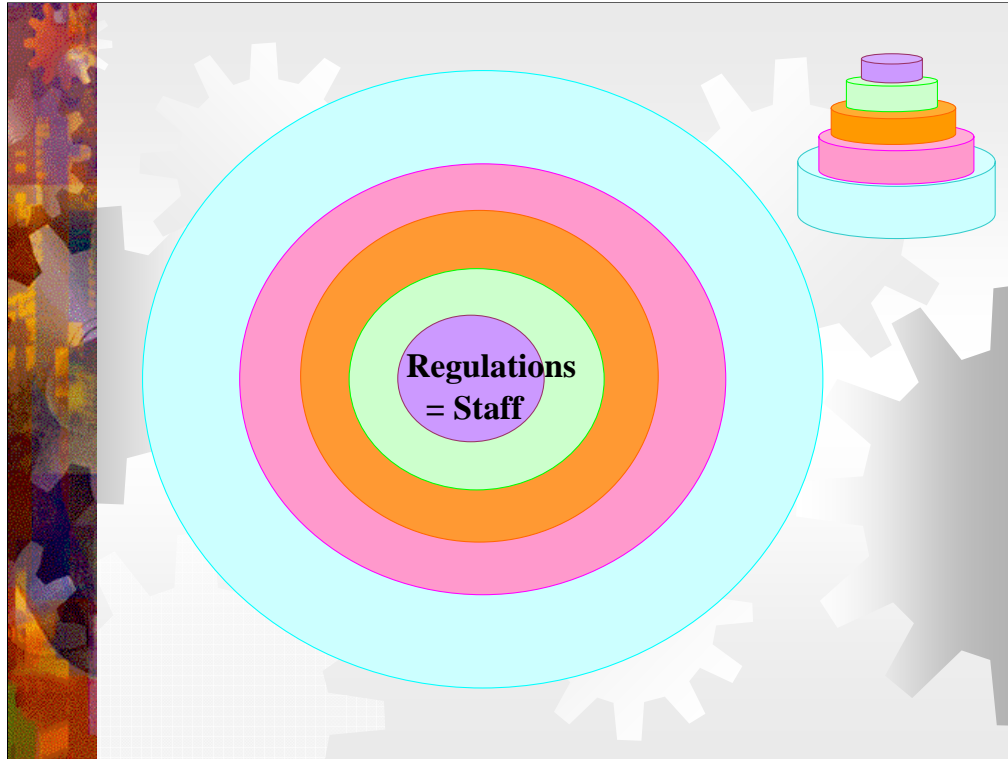
Moving inward, we find the Planning Commission. Commission members take the broad policies from Mayor & Council and create guidelines for policies. With regard to our legislation discussion of incorporating more mixed use districts into the city, the Planning Commission would then take that policy articulated by the Mayor and Council and make recommendations (with assistance of staff's research and recommendations) as to the types of regulations (uses / building regulations like height / setbacks / etc) to incorporate into that district.



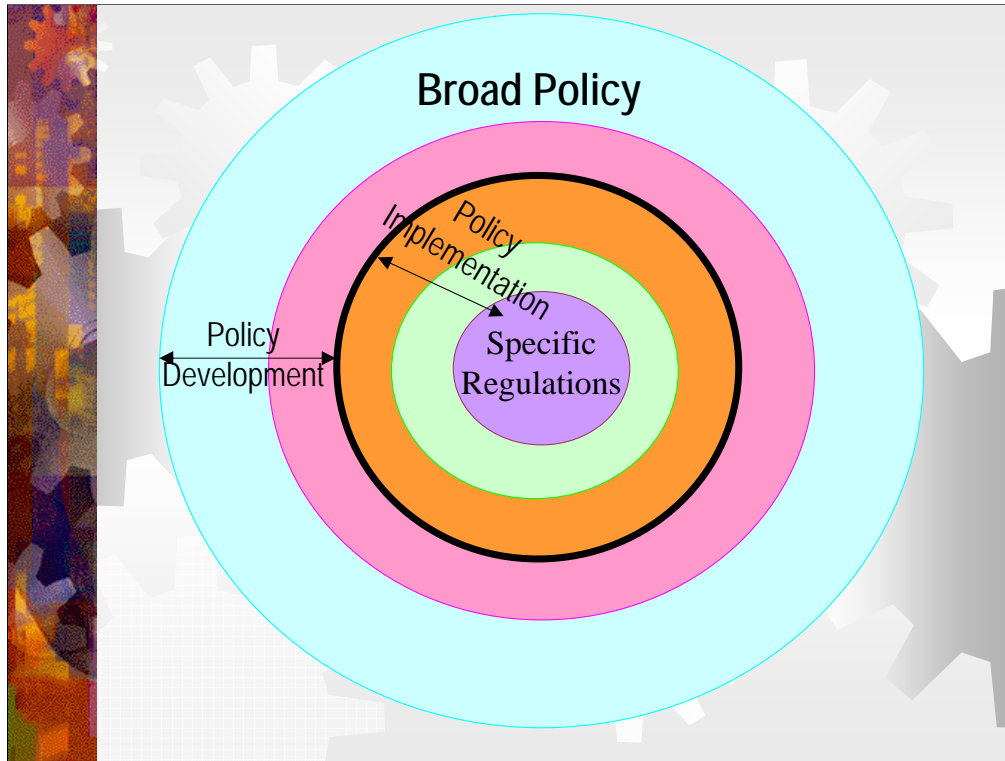
Once the legislation is adopted by Mayor and Council, other boards must interpret the mixed use district requirements in compliance with the regulations that they are responsible for reviewing. A specific mixed-use zone might have a historic district overlay applied to it. The HDC then reviews the requirements of the historic district with the requirements of the mixed use district as applied to individual historic properties.



Nearly reaching the innermost ring, the Board of Appeals and the Planning Commission then apply more particular standards of mixed use district. Board of appeals, for instance, determine if certain requirements are present allowing for a variance from the set standards of the mixed use regulations. The Planning Commission (after they've made the recommendations for the law) come back and implement it – reviewing the standards as applied to the site plan for individual applicants.



Finally, the role of the innermost ring are the most specific. Here we have black & white rules that can be interpreted by staff. These are zoning regulations that refer to say, 5 ft front setbacks in and 35 feet height requirements in the mixed use zone. These are the specific rules in the zoning ordinance (where it can be said that other decisions made by the boards are more subjective though also based on criteria)



Again, just to sum up and look at the whole picture – with broad policy as our base, you can see that the outer two shells address policy development while the inner shells address policy implementation. The planning commission of course, falls into both the outer and inner rings.

Recommendations



- ☀ Maintain current boards
- ☀ Clarify Boards' Roles
- ☀ Include the same type of regulations for each board;
- ☀ Include administrative adjustments

MC mentioned a couple of times their interest in considering the use of architectural review boards in the City. Again, that gets into the competing policy discussion of do we want to have more control over design (which this is only one way to do it) or do we not want to make the application process difficult. Based on the discussion earlier (with the wedding cake and rings) the roles of the Boards and various decision making bodies should be clarified in the revision through purpose statements and possibly the revision of certain procedures (more in ADO discussion) – more purpose statements

On Circle 10 of the issue paper there is a chart showing what is currently in the zoning ordinance in terms of regulations for these bodies. The recommendation is simply to fill in any blanks with the requirements of state law or what's laid out in the Rules of Procedure so that all boards have the same TYPE of regulation in the ordinance – the particular regulations will vary by board.

Staff had previously recommended postponing the adoption of administrative adjustment regulations in the current revision until criteria about what can be adjusted could be drafted. The key to incorporating these adjustments is criteria for approval. Procedures must be established for approval, application proceeding allowing for public notice, public hearings, and the ability to appeal the decision. These allowances will not provide the Chief of Planning or their designee with carte blanche zoning approval. Instead, included will be:

1. Standards for maximum variation from a zoning requirement (for example, up to X% increase or decrease of certain requirements);
2. A determination of properties permitted to receive an administrative approval (for example, all properties or only mixed use and residential properties); and
3. Criteria for approval of an adjustment (for example, the granting will not be detrimental to the public safety or welfare).
- 4 Appeals process and can include status report to MC / PC about types of adjustments seeing